Introduction to the Course and First Assignment  
(Revised 7/31/17)

The text is Linda J. Silberman, Allan R. Stein, Tobias Barrington Wolff, Civil Procedure: Theory and Practice (5th Ed. 2017) (“Casebook”). I also strongly recommend purchasing a 2017 copy of the Federal Rules of Civil Procedure, compiled by Kevin Clermont and published by Foundation Press (“Rules Pamphlet”). I “strongly recommend” rather than require it because it is possible to download the Federal Rules and relevant federal statutes without charge (and without copyright violation) from websites such as www.uscourts.gov/RulesAndPolicies/FederalRulemaking/RulesAndForms.aspx and www.law.cornell.edu/rules/frcp/. These websites are somewhat more unwieldy and harder to use than the Rules Pamphlet, but they are a lower cost alternative. You must bring the casebook, a complete set of the Federal Rules of Civil Procedure and all statutes cited in the Syllabus to class.

At some time prior to Oct. 23, 2017, you should also have read A Civil Action (1995), by Jonathan Harr. We will discuss various aspects of A Civil Action in conjunction with our consideration of pleadings, discovery and summary judgment in later parts of the course. The original pleadings and many motions made in the Woburn case, the subject of A Civil Action, will be made available online.

Many topics in Civil Procedure (and many of the cases in the casebook) involve consideration of various Federal Rules of Civil Procedure as well as federal and/or state statutes. Whenever the casebook deals with a topic covered by the Federal Rules or statute, (and particularly when you see a reference to a Rule or statute in a case or other text), you should read – and re-read – the Federal Rules and/or statutes involved.

The assignment sheet lists specific Rules and statutes which are most relevant to particular assignments. You must read and develop an understanding of those Rules and statutes as part of the assignment. However, you should also feel free to review any of the Rules or statutes at any time (preferably many times).

All the Federal Rules of Civil Procedure, and most of the relevant federal statutes, including many portions of the Judiciary Act, 28 U.S.C. et seq. are included in the Rules Pamphlet. You should familiarize yourself with the general structure and format of the Federal Rules before the first day of class. The assignment sheet also contains references to statutes and rules which should be reviewed in connection with particular legal topics.
First Assignment

For Monday, Aug. 28 (the first day of class):

1) Read pages 1-12 in the Casebook (CB).

2) Review the Rules Pamphlet (or the relevant websites) to familiarize yourself with the structure and content of the Rules. You should be able to locate the Advisory Committee notes to the various Rules, the selected portions of the Judiciary Act and U.S. Constitution, and you should read Federal Rule of Civil Procedure (FRCP) 1, as well as sections 41, 44, 132, 133, 1331 and 1332 of the Judiciary Act, (28 U.S.C. §§ 41, 132, 133, 1331, 1332).

3) Consider and be prepared to answer the questions in the Assignment Sheet for August 28.